

# CITY OF LODI

# COUNCIL COMMUNICATION

AGENDA TITLE:

Consider Consortium Agreement with San Joaquin County

for HOME Program

MEETING DATE:

August 21, 1991

PREPARED BY:

Community Development Director

RECOMMENDED ACTION:

That the City Council consider entering into a Cooperation Agreement with San Joaquin County, as

necessary to become eligible to receive funds under

HUD's HOME Program. Fiscal Year 1993.

This agreement shall be in force through the end of Federal

BACKGROUND INFORMATION:

Under the Housing and Community Development Act of 1974, San Joaquin County as **an** urban county is potentially

eligible to receive HOME funds equal to or greater than

\$750,000. This consortium agreement solicits the cooperation and co-participation of Lodi and cities in the County for purposes of receiving HOME funds under the National Affordable Housing Act and promoting affordable housing.

The primary intent of this agreement *is* to enable the County and the Cities to cooperate in undertaking public-private partnerships to provide more affordable housing within San Joaquin primarily to benefit low and very low income households.

FUNDING: None Required.

James Director
Community Development Director

Prepared by Eric W. Veerkamp, Community Development Block Grant Coordinator

JBS/EWV/cg

Attachment

APPROVED: THOMAS A. PETERSON
City Manager



## **HOME INVESTMENT PARTNERSHIPS ACT (HOME)**

## PROGRAM DESIGN/PURPOSE

• HOME is intended to be a locally designed and administered program which:

expands the supply of decent, safe, affordable and sanitary housing, with primary attention to low income rental housing strengthens the abilities of state/local governments to design and Implement affordable housing strategies

Provides both federal financial and technical assistance (including the development of model programs and approaches)

Federal restrictions on use of funds and program requirements vary by the activity being funded. In general, the legislation places requirements on:

Eligible uses of funds Program Benefit requirements Per unit assistance **limits** . Matching fund requirements

o me program is intended provide local jurisdictions with a source of funds which can be used to implement locally designed housing programs which best fit local needs. (It in essence replaces a variety of specialized lederal housing rehabilitation programs including Rental Rehabilitation, Section 312, Urban Homesteading, and Section 8 New Construction, Substantial Rehabilitation and Moderate Rehabilitation Programs, except for Moderate Rehabilitation SROs).

## **ELIGIBLE ACTIVITIES**

## Funds may be used for:

- o Rehabilitation(≤ \$25,000/DU)
- Substantial Rehabilitation (\$25,000/DU or more)
- New Construction
- Acquisition
- Site Improvements
- Conversion/Demolition
- Financing Costs/Relocation
- Tenant-based rental subsidies

## and may be provided in the form of:

- Loans of grants
- Equity
- Interest subsidies
- Other methods determined by HUD

## REHABILITATION VS. NEW CONSTRUCTION

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- Grantees must give preference to rehabilitation unless it is not cost-effective or the grantee's affordable housing needs cannot be met through rehabilitation
- New construction is only permitted when HUD determines that an inadequate Rousing supply exists and/or there is a shortage of substandard housing suitable for rehabilitation as affordable housing. (HUD's criteria must result in at least 30 percent of grantees being deemed eligible to undertake new construction.)
- However, grantees may undertake new construction it:

**New** construction is **needed to** facilitate **a** neighborhood revitalization program which emphasizes rehabilitation in a grantee-designated area:

The housing is located in a low/mod neighborhood;

The number of units constructed doesn't exceed 20 percent of total units assisted under the neighborhood revitalization program: (20% limit may be waived in certain circumstances)

The housing is produced by a community housing development organization or a public agency.

- o And, grantees may undertake new construction to meet the needs of special populations (large families, persons with disabilities, homeless, other needs approved by HUD.)
- 10 percent of 1591 funds and 15 percent of 1992 funds will be dedicated to new construction or substantial rehabilitation (to be used by grantees determined to qualify).

#### **PROHIBITED ACTIVITIES**

## Funds may not be used:

- For administrative costs
- For tenant-based assistance in conjunction with:
  - Section 8 Existing subsidies
  - Replacement of demolished public housing
  - Preserving federally assisted housing
  - Property disposition
  - Displacement from RRP
  - Extending Section 8 housing assistance
- As a non-lederal match for other programs
- o For annual contributions for public housing

- For Public Housing Modernization (CIAP)
  - In conjunction with the Emergency
    Low Income Preservation Act of 1987
  - In conjunction with the Low Income Housing Preservation & Resident Homeowner Act of 1990

#### HOUSING STRATEGY/MODEL PROGRAMS

- Each jurisdiction must develop a Comprehensive Housing Strategy for review and approval by HUD.
- HUD must provide local governments with technical assistance including model program designs to assist them in implementing the HOME program.
- o Mandated model programs include:

A rental **housing** production program **in** which **up** to **50%** of development costs would be provided **a**! 3 percent interest. (Limitations **on** surplus cash are specified.)

A rental rehabilitation program similar to the Current Rental Rehabilitation Program. A rehabilitation loan program similar to the current Section 312 program. Several sweat equity programs including:

- o grants to nonprofit and community housing development organizations to provide technical arid supervisory assistance to low income families participating in a self-help housing program.
- a homeownership program in which eligible families exchange labor for acquisition of the property.
- a rental opportunities program in which tenant labor would be used as a supplement or in lieu of rent payments by the tenant.

Home repair services grant program for older and disabled homeowners **Low income housing** energy conservation and efficiency grant program. Second **mortgage** assistance for first-time homebuyers **Rehabilitation** of State and **Local IN REM properties** 

#### SET ASIDES FOR COMMUNITY HOUSING DEVELOPMENT ORGANIZATIONS

- Not less than 15 percent of the funds allocated to a local jurisdiction must be reserved for use by community housing development organizations for a period of 18 months.
- Monies in the set aside are to used only for housing developed, sponsored or owned by community housing development organizations.
- Community housing development organizations:

organized under state or local *laws* as non profits
dedicated to provision of affordable low/moderate income housing
maintain representation by and accountability to low income community residents
have a demonstrated capacity to carry out activities under HOME
have a history of serving the local community

o Community housing development organizations may use the funds tor:

any eligible HOME activity; and

Up to 10 percent of this amount may be used for technical assistance, site control loans and seed money loans.

## FUNDING

o Funding to be provided on a formula allocation basis to:

States (minimum allocation for states = \$3 million)

Cities/Counties/Consortia eligible to receive & least \$750,000 by the allocation formula

Cities and counties that would receive a formula allocation of less than \$750,000 where the *state*, locality or other funding source pledges to provide the gap.

Formula is need driven based primarily on housing needs, conditions, and affordability.

- o 60/40 split of allocation between Cities/counties and States
- o One percent of funding is taken off the top' tor Indian Tribes
- Amounts specified for technical assistance many also be taken off tha top
- 15 percent of each grantee's allocation is set-aside for non-profit development entities
- o Funds must be matched as follows:

25 percent for rehabilitation and tenant-based rental subsidies

33 percent for substantial rehabilitation

50 percent for New construction

Authorization

	1991	1992
Total Authorization	\$1 billion	\$2.086 billion
Fund for Non Profit Technical Assistance	\$14 million	\$14 million
Fund for Other Technical Assistance	\$11 million	\$11 million

Appropriations:

None to Date TBD

## PROGRAM BENEFIT (income Targeting and Affordability)

For rental assistance/rental units, ail units must be occupied by lower income families.

- Programparticipants to be taken from the Section 8 waiting list.
- At least 90 percent of funds must be used to assist units initially occupied by families whose incomes do not exceed 60 percent of are8 median.
- Balance of funding must be used to assist units initially occupied by families whose incomes do not exceed 80 percent of arcs median income.
- Rents may not exceed the lesser of the applicable Fair Market Rent or 30 percent of adjusted family income of a family at 65 percent of area median income. (HUD may establish higher or lower limits.)
- A minimum of 20 percent of units must be **occupied** by very **low** income occupants (50 percent of area median) paying no more than the **lesser** of 30 percent of adjusted income or the gross rent for rent restricted units under **42**(g)(2) of **internal** Revenue Code of 1986.
- O Units must remain affordable for remaining life of property (HUD determined) or fore such other period HUD determines is the longest feasible period of time, consistent with sound economics. (Project rents may be adjusted by HUD if HUD finds this necessary for continued financial feasibility.)
- **Tenant income** must be recertified **annually**. Tenants no longer qualifying as tow income may remain in property, but must pay 30% of adjusted income to rent.

#### For homeowner assistance

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- Only first time homebuyers fur whom this will be a principle residence are eligible
- 100 percent of funding must benefit families at or below 80 percent of area median income.
- Purchase price may not exceed 95 percent of median purchase price for the area (adjusted tor size, type of structure, age of dwelling.)
- Properties may be resold only to other low income families tor use as a principle residents at a price consistent with grantee guidelines which assure (1) the owner a fair return on investment and (2) affordability for the new purchaser

## **MATCHING REQUIREMENTS**

Depending upon the activity HOME funds require the following matching monies:

ACTIVITY	<u>MATCH</u>
Rehabilitation	25%
Substantial Rehabilitation	33%
New Construction	50%
Rental Assistance	25%

Matching funds may come from:

Non-federal cash contributions

CDBG cash contributions are not permitted as a match

Payment of administrative costs

Only 7% of matching funds can be administrative costs
CDBG administrative contributions are allowed as a match

Value of customary taxes, fees, or other charges that are waived  $\alpha$  foregone

Value of land or other real property

Value of investment in on or off site infrastructure required for the assisted housing

• Under limited circumstances HUD may waive the matching requirements

# **HOMEOWNERSHIP AND OPPORTUNITY FOR PEOPLE EVERYWHERE (HOPE)**

	HOPE I	HOPE !!	HOPE III
PROVISION/REQUIREMENT			
Eligible Housing	Public & Indian Housing Stock except single family scattered site	Multi-family Properties (5+units) owned/held by HUD. RTC, FmHA or state/ local government	Single family properties owned/held by HUD. RTC, VA. arid PHA scattered site units
Authorization 1991	\$68 million	\$51 million	\$36 million
1992	\$380 million	\$280 million	\$195 million
Appropriations			
1991	None to date	None to date	None to date
1992	TBD	TBD	TBD
Eligible Applicants	PHA, RMC. Resident Councils. Non-profits. public bodies	Same <b>as</b> Hope I	Private non-profits. Cooperative associations. public agencies <i>in</i> cooperation with <b>a private</b> non-profit
Eligible Homebuyers	Public housing residents.  low income families. families assisted under  HUD or FmHA Programs	Tenants of eligible properties. low-income families	Low-income families <b>who</b> are first time homebuyers
Non-Federal Match	4:1	3:1	3:1

#### HOMEOWNERSHIP AND OPPORTUNITY FOR PEOPLE EVERYWHERE

#### **PROGRAM DESIGN**

- Eligible applicants assess needs and prepare grant applications
- Grant applications competitively reviewed and evaluated by HUD based on such things as:

qualifications of ?heapplicant tenant interest *in* the development of a program **potential** for a-successful program appropriateness of housing Stock to a homeownership program **national** geographic diversity

#### **.ELIGIBLE ACTIVITIES**

Planning Grants no! to exceed \$200,000 each may be used for:

- technical assistance lor specific homeownership program development.
- preliminary architectural and engineering work;
- tenant and homebuyer counseling and training;
- planning for economic development activities that promote economic self sufficiency;
- leasibility studies of proposed homeownership programs;
- development of security plans;
- preparation of implementationgrants;
- o development of RMCs and resident councils (Hope I and II only)

## Implementation Grants may be used for:

- architectural and engineering work;
- acquisition and rehabilitation;
- homebuyer counseling and training;
- permanent and temporary relocation assistance;
- legal fees;
- ongoing training to carry out the program;

For HOPE I and II -- administrative costs which may not exceed 15% of assistance; operating costs and implementation of replacement housing plans.

- Economic development activities to promote self-sufficiency may not total more than \$250,000 under both planning and implementationgrants combined.
- Items covered under planning grants cannot also be covered
   u ider implementation grants
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#### PROGRAM REQUIREMENTS

#### **Housing Strategy**

Programs must be consistent with approved state ar local housing strategy.

#### Affordability

Sales price must be set so that monthly PITI does not exceed 30 percent of family's adjusted monthly income.

Housing Quality Standards

Prior to transfer units must be free of health/ safety defects and must, within 2 years. satisfy minimum housing quality standards to be set by HUD

#### Participant Selectton

Current tenants have the first opportunity to participate; other **low** income tenants are eligible with preference to those **who** have participated in an economic **self-sufficiency** program. For HOPE **III**, in addition to being low income, participants also must be first-time **homebuyers** (in general, defined as **persons who** have not owned a home within the past three years)

## Protection of Existing Tenants

No tenant may be evicted for declining to participate.

HOPE I guarantees non-participants who choose to move relocation assistance and, subject to availability of appropriations, a unit in another public housing project or Section 8 existing assistance.

For HOPE !! relocation assistance must be provided and Section 8 assistance must be provided if appropriations are available'.

#### Timely Homeownership

Programs must transfer properties to tenants in accordance with a specified, 'reasonable' time schedule.

Prior to sale property must be operated as rental housing according to written tenant setection policies approved by HUD.

#### Resale Restrictions

If ownership is transferred within 6 years owners proceeds are limited to: personal equity contributions to date + vatue of improvements made by family + appreciated value measured by index agreed upon at time of purchase

If ownership is transferred between 6 and 20 years, the homeownership program must recepture the outstanding principle balance of any note securing the difference between the original market value of a property and the original purchase price.

Program administrators may impose other restrictions such as caps on Owner proceeds

Administrators have the first right to purchase properties from homeowners at !he same amount agreed to in a firm contract between *the* Owner and prospective buyer.

Net resale proceeds are split (50/50) between the homeownership program and HUD

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# RESOLUTION NO. 91-159

# A RESOLUTION OF THE LODI CITY COUNCIL APPROVING CONSORTIUM AGREEMENT WITH SAN JOAQUIN COUNTY FOR HOME INVESTMENT PARTNERSHIPS PROGRAM (HOME)

WHEREAS, under the Housing and Community Development Act of 1974, San Joaquin County as an urban County is potentially eligible to receive Home Investment Partnerships Program (HOME) funds equal to or greater than \$750,000, for purposes of receiving HOME funds under the National Affordable Housing Act and promoting affordable housing;

NOW, THEREFORE, BE IT RESOLVED, that the Lodi City Council hereby approves the execution of a Cooperation Agreement with San Joaquin County, as necessary, to become eligible to receive funds under Housing and Urban Development's HOME Program, to be in force through the end of Federal Fiscal Year 1993.

Dated: August 21, 1991

I hereby certify that Resolution No. **91-159** was passed and adopted by the Lodi City Council in a regular meeting held August 21, **1991** by the following vote:

Ayes:

Council Members - Pennino, Pinkerton, Sieglock, Snider

and Hinchman (Mayor)

Noes:

Council Members - None

Absent:

Council Members - None

Jennefer M Perrin Deputy City Clerk

for Alice M. Reimche City Clerk

## COOPERATION AGREEMENT

THIS AGREEMENT, entered into this \_\_\_\_\_\_ day of \_\_\_\_\_\_, 1991, between the COUNTY OF SAN JOAQUIN, a political subdivision of the State of California, hereinafter referred to as "COUNTY", and the CITIES of Escalon, Lathrop, Manteca, Ripon, Tracy, duly Incorporated Cities within the County and the City of Lodi and Entitlement City, hereinafter referred to as "CITY" when referring to a single city named above or "CITIES" when referring, to more than one of the cities named above.

## WITNESSETH:

WHEREAS, the National Affordable Housing Act of 1990. Public Law 101-625, enacted November 28, 1990, provides for the distribution of federal funds through the HOME Investment Partnerships Act to eligible public entities; and

WHEREAS, those public entitles which are eligible to receive said funds are metropolitan cities, urban counties or consortia whose formula allocation for distribution of HOME funds is equal to or greater than \$750,000;

WHEREAS, the COUNTY, having heretofore qualified as an urban county under the Housing and Community Development Act of 1974 and thus is eligible under the formula allocation to receive HOME funds, solicits the cooperation and co-participation of public entitles such as the CITIES in a Consortium for purposes of receiving HOME funds under the National Affordable Housing Act and promoting affordable housing; and

WHEREAS, the individual CITIES, not being eligible for a formula allocation equal to or greater than \$750,000, desire to cooperate and co-participate with County in a Consortium for purposes of receiving HOME funds and promoting affordable housing; and

WHEREAS, a Cooperation Agreement by and between CITIES and COUNTY establishes the formal relationship to cooperate and coparticipate as a Consortium and is specifically authorized under the provisions of Government Code Section 6502 and 26227; and

WHEREAS, Federal regulations **24** CFR Part 92 governing the Home Investment in Affordable Housing Program state that the cooperation agreement must be completed and submitted by **August** 1, 1991; and

WHEREAS, CITIES now desire to enter into the instant Cooperation Agreement with the COUNTY so that they may qualify, under applicable provisions of the National Affordable Housing Act and HUD regulations, as co-participants with county in eligible activities under the Act:

NOW, THEREFORE, IN CONSIDERATION OF THE FOREGOING, the parties hereto agree as follows:

- 1. Purpose: This agreement is for the purpose of enabling the COUNTY and the CITIES to cooperate in undertaking, or assisting in undertaking, public-private partnerships to provide more affordable housing within San Joaquín County through the use of HOME funds to carry out multiyear housing strategies through acquisition, rehabilitation, new construction of housing, tenant-based rental assistance and financing of rental housing and first-time homeowners programs, primarily to benefit low and very low income households.
- 2. Term: The term of this agreement shall be for the remainder of Federal fiscal year 1991 and for full Federal fiscal years of 1992 and 1993, unless HUD earlier revokes the Consortium's designation as a participating jurisdiction. CITIES agree not to withdraw from the Consortium prior to the expiration of Federal fiscal year 1993.
- 3. <u>Consortium Representative:</u> The COUNTY is authorized to act in a representative capacity for all Consortium member units of general local government for the purposes of the HOME program.
- (a) Consortium Representative's Responsibility: COUNTY, as designated representative of the Consortium, has the ultimate and overall responsibility, under the Act, and in the view of HUD,  $\in$ or ensuring that the Consortium's HOME program is carried out in compliance with the requirements of 24 CFR Part 92, including the submission of a Program Description for the Use of HOME funds which has been mutually agreed upon by CITIES and COUNTY, and for providing all assurances or certifications required under 24 CFR Part 92. The Program Description sets forth the Consortium's estimated use of HOME funds (consistent with needs identified in its approved consolidated housing strategy) within each of the eligible activity categories. Therefore, COUNTY requires CITIES, and CITIES agree to strict adherence to the Program Description as approved, and to all assurances and cercifications provided, including agreeing to take all actions necessary to assure compliance with the County's certifications under the Fair Housing Act; Executive Order 11063 (Equal Opportunity in Housing) and Title VI of the Civil Rights Act of 1964; and the Uniform Relocation Assistance and Real

Property Acquisition Policies Act of 1970. COUNTY shall not provide HOME funds for activities in, or in support of, any cooperating CITIES that do not affirmatively further fair housing within their own jurisdictions. Nor shall COUNTY provide HOME funds for activities that impede the COUNTY'S actions to comply with its fair housing certification. In addition, the COUNTY and CITIES are responsible for taking all required actions to comply with the provisions of the National Environmental Policy Act of 1969.

- (b) City Subject to Same Requirements as Subrecipients: Pursuant to 24 CFR 92.504(a), each CITY is subject to the same requirements applicable to subrecipients, including the requirement of a written agreement set forth in 24 CFR 92.504(b). COUNTY, as Consortium representative, has the responsibility for ensuring that HOME funds are used in accordance with all program requirements, for determining the adequacy of performance under agreements and procurement contracts, and for taking appropriate action when performance problems arise. Therefore, before disbursing any HOME funds to CITIES or projects in the CITIES, COUNTY will require CITIES, and CITIES agree to enter into a written agreement for each individual project.
- 5. Affirmative Action: Under COUNTY'S ultimate supervision and responsibility as Consortium representative, Each CITY covenants and agrees that it will abide by and enforce all applicable affirmative action requirements including, but not limited to Executive Order 11246, the Equal Employment Opportunities Act, the San Joaquín County Affirmative Action Plan and local affirmative action plans.
- 6. <u>County's Responsibility to Cities:</u> In addition to the foregoing obligations, COUNTY agrees:
- a. As Consortium representative, COUNTY shall, in preparing future plans under the National Affordable Housing Act, solicit to the extent allowed by the Act and all HUD regulations, CITIES' participation in the development of such future plans which refer to CITIES' activities under the Act.
- **b.** As Consortium representative, COUNTY agrees to distribute funding it receives from the Consortium's current plan application and in future plans, in accordance with the terms and provisions therein contained, or in accordance with such terms and conditions as required by the Act of HUD.
- 7. <u>Cities Responsibilities to County:</u> In addition to the foregoing obligations:
- a. Each CITY agrees to expend any funds received by virtue of any of the Consortium's plans only in accordance with the terms and conditions stated therein, or as amended by HUD.

**b.** Each CITY agrees to cooperate with COUNTY as Consortium representative in the development of future plan applications for HOME funds under the Act, with regard to affordable housing development activities to be continued or undertaken by each CITY within its boundaries.

## 8. Local HOME Investment Trust Fund:

- a. As Consortium representative, COUNTY must establish a local HOME Investment Trust Fund account.
- b. Any repayments of HOME funds and matching contributions and any payment of interest or other return on the investment of HOME funds and matching contributions must be placed in the local HOME Investment Trust Fund account,
- c. COUNTY has the responsibility for monitoring and reporting to HUD on the use of any such local HOME Investment Fund monies and COUNTY shall require appropriate recordkeeping and reporting by each CITY as may be needed for this purpose; and
- d. In the event of close-out or change in status of any CITY or CITIES, any HOME program income that is on hand or received subsequent to the close-out or change in status shall be paid into the local HOME Investment Trust Fund administered by the COUNTY as Consortium representative. A CITY may elect to have its matching contribution, as available, returned to the CITY or remain in the local HOME Investment Trust Fund for use for other eligible projects.
- 9. <u>Headings:</u> The headings in this document are merely for the convenience of the parties, and do not form a material part of this document. Headings shall not be considered in the construction of this document.
- 10. <u>Minor Amendments to the Asreement:</u> Should it become necessary to change the language of this agreement to meet HUD requirements this Agreement may be amended in writing with the written consent of both the City Manager of any affected CITY and the Chairman of the San Joaquin County Board of Supervisors.

All remaining provisions of said agreement shall remain in full force and effect for the term provided herein.

11. Counterparts to this Agreement shall be treated the same as the original Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this agreement on the day and year first above written.

"COUNTY"	"CITIES"
By :	By :
GEORGE L. BARBER, Chairman Board of Supervisors County of San Joaquin	Mayor City of Escalon
2012-07 22 23-1 23-1	ATTEST:
APPROVED AS TO FORM:  JOHN F., CHEADLE, County/Counsel	City Clerk
By: Educad L. Burnos	City of Escalon
	Ву:
ATTEST: JORETTA J. HAYDE Clerk of the Board of	Mayor city of Lathrop
Supervisors of the County of San Joaquin, State of California	ATTEST:
By: Deputy Clerk	City Clerk City of Lathrop
	By <u>-</u>
"CITIES"	Mayor City of Ripon
By: Mayor	ATTEST:
City of Lodi	City Clerk City of Ripon
ATTEST:	<b>1</b>
City Clerk	BY: Mayor
City of Lodi	City of Tracy
BY:	ATTEST :
Mayor City of Manteca	City Clerk
ATTEST:	City of Tracy
City Clerk City of Manteca a ' (1)	
Approved as to form  Bob McNatt  City Attorney	

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